

**ASSEMBLY BILL**

**No. 2299**

**Introduced by Assembly Member Plescia**

February 19, 2004

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An act to amend Section 25402 of the Public Resources Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

AB 2299, as introduced, Plescia. Energy: commercial dishwashing prerinse spray valves.

Existing law establishes the State Energy Resources Conservation and Development Commission in the Resources Agency. Existing law requires the commission, after one or more public hearings, to prescribe by regulation, various systems and standards on lighting and appliances to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy.

This bill would require the commission, not later than January 1, 2006, to revise any regulation that was operative on January 1, 2004 and relates to energy efficiency standards for commercial dishwashing prerinse spray valves to require, commencing January 1, 2007, every valve sold or installed in the state to use less than 1.6 gallons of water per minute. The bill would also require the commission, not later than January 1, 2007, to provide a report to the Legislature on actions taken to fulfill those requirements.

This bill would also delete obsolete provisions of existing law.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares all of the following:

(a) A significant amount of energy is consumed in the state by pumping water, and treating water and sewage.

(b) Water conservation is a proven tool to make the most effective use of the state's limited water supply and to conserve energy.

(c) A portion of urban water demand in the state comes from commercial dishwashing.

(d) There is no high efficiency water or energy standard for commercial dishwashing prerinse spray valves.

SEC. 2. Section 25402 of the Public Resources Code is amended to read:

25402. The commission shall, after one or more public hearings, do all of the following; in order to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy:

(a) Prescribe, by regulation, lighting, insulation climate control system, and other building design and construction standards that increase the efficiency in the use of energy for new residential and new nonresidential buildings. The standards shall be cost effective, when taken in their entirety, and when amortized over the economic life of the structure when compared with historic practice. The commission shall periodically update the standards and adopt any revision that, in its judgment, it deems necessary. Six months after the commission certifies an energy conservation manual pursuant to subdivision (c) of Section 25402.1, no city, county, city and county, or state agency shall issue a permit for any building unless the building satisfies the standards prescribed by the commission pursuant to this subdivision or subdivision (b) of ~~this section~~ that are in effect on the date an application for a building permit is filed.

(b) Prescribe, by regulation, energy conservation design standards for new residential and new nonresidential buildings. The standards shall be performance standards and shall be promulgated in terms of energy consumption per gross square foot of floorspace, but may also include devices, systems, and techniques required to conserve energy. The standards shall be cost effective when taken in their entirety, and when amortized over the

1 economic life of the structure when compared with historic  
2 practices. The commission shall periodically review the standards  
3 and adopt any revision that, in its judgment, it deems necessary. A  
4 building that satisfies the standards prescribed pursuant to this  
5 subdivision need not comply with the standards prescribed  
6 pursuant to subdivision (a). The commission shall comply with  
7 this subdivision before January 1, 1981.

8 (c) (1) Prescribe, by regulation, standards for minimum levels  
9 of operating efficiency, based on a reasonable use pattern, and may  
10 prescribe other cost effective measures, including incentive  
11 programs, fleet averaging, energy consumption labeling not  
12 preempted by federal labeling, and consumer education programs,  
13 to promote the use of energy efficient appliances whose use, as  
14 determined by the commission, requires a significant amount of  
15 energy on a statewide basis. The minimum levels of operating  
16 efficiency shall be based on feasible and attainable efficiencies or  
17 feasible improved efficiencies that will reduce the electrical  
18 energy consumption growth rate. The standards shall become  
19 effective no sooner than one year after the date of adoption or  
20 revision. No new appliance manufactured on or after the effective  
21 date of the standards may be sold or offered for sale in the state,  
22 unless it is certified by the manufacturer thereof to be in  
23 compliance with the standards. The standards shall be drawn so  
24 that they do not result in any added total costs to the consumer over  
25 the designed life of the appliances concerned.

26 (2) No new appliance, except for any plumbing fitting,  
27 regulated under paragraph (1), which is manufactured on or after  
28 July 1, 1984, may be sold, or offered for sale, in the state, unless  
29 the date of the manufacture is permanently displayed in an  
30 accessible place on that appliance.

31 (3) During the period of five years after the commission has  
32 adopted a standard for a particular appliance under paragraph (1),  
33 no increase or decrease in the minimum level of operating  
34 efficiency required by the standard for that appliance shall become  
35 effective, unless the commission adopts other cost-effective  
36 measures for that appliance.

37 (4) Neither the commission nor any other state agency shall  
38 take any action to decrease any standard adopted under this  
39 subdivision on or before June 30, 1985, prescribing minimum  
40 levels of operating efficiency or other energy conservation

1 measures for any appliance, unless the commission finds by a  
2 four-fifths vote that a decrease is of benefit to ratepayers, and that  
3 there is significant evidence of changed circumstances. Prior to  
4 January 1, 1986, the commission shall not take any action to  
5 increase any standard prescribing minimum levels of operating  
6 efficiency for any appliance or adopt any new standard under  
7 paragraph (1). Prior to January 1, 1986, any appliance  
8 manufacturer doing business in this state shall provide directly, or  
9 through an appropriate trade or industry association, information,  
10 as specified by the commission after consultation with  
11 manufacturers doing business in the state and appropriate trade or  
12 industry associations on sales of appliances so that the commission  
13 may study the effects of regulations on those sales. These  
14 informational requirements shall remain in effect until the  
15 information is received. The trade or industry association may  
16 submit sales information in an aggregated form in a manner that  
17 allows the commission to carry out the purposes of the study. The  
18 commission shall treat any sales information of an individual  
19 manufacturer as confidential and that information shall not be a  
20 public record. The commission shall not request any information  
21 that cannot be reasonably produced in the exercise of due diligence  
22 by the manufacturer. At least one year prior to the adoption or  
23 amendment of a standard for an appliance, the commission shall  
24 notify the Legislature of its intent, and the justification therefor, to  
25 adopt or amend a standard for the appliance. Notwithstanding  
26 paragraph (3) and this paragraph, the commission may do any of  
27 the following:

28 (A) Increase the minimum level of operating efficiency in an  
29 existing standard up to the level of the National Voluntary  
30 Consensus Standards 90, adopted by the American Society of  
31 Heating, Refrigeration, and Air Conditioning Engineers or, for  
32 appliances not covered by that standard, up to the level established  
33 in a similar nationwide consensus standard.

34 (B) Change the measure or rating of efficiency of any standard,  
35 if the minimum level of operating efficiency remains substantially  
36 the same.

37 (C) Adjust the minimum level of operating efficiency in an  
38 existing standard in order to reflect changes in test procedures that  
39 the standards require manufacturers to use in certifying



1 compliance, if the minimum level of operating efficiency remains  
2 substantially the same.

3 (D) Readopt a standard preempted, enjoined, or otherwise  
4 found legally defective by an administrative agency or a lower  
5 court, if final legal action determines that the standard is valid and  
6 if the standard that is readopted is not more stringent than the  
7 standard that was found to be defective or preempted.

8 (E) Adopt or amend any existing or new standard at any level  
9 of operating efficiency, if the Governor has declared an energy  
10 emergency pursuant to Section 8558 of the Government Code.

11 (5) Notwithstanding paragraph (4), the commission may adopt  
12 standards pursuant to commission order No. 84-0111-1, on or  
13 before June 30, 1985.

14 (d) Recommend minimum standards of efficiency for the  
15 operation of any new facility at a particular site that are technically  
16 and economically feasible. No site and related facility shall be  
17 certified pursuant to Chapter 6 (commencing with Section 25500),  
18 unless the applicant certifies that standards recommended by the  
19 commission have been considered, ~~which and that~~ certification  
20 shall include a statement specifying the extent to which  
21 conformance with the recommended standards will be achieved.

22 ~~Whenever this section and Chapter 11.5 (commencing with~~  
23 ~~Section 19878) of Part 3 of Division 13 of the Health and Safety~~  
24 ~~Code are in conflict, the commission shall be governed by that~~  
25 ~~chapter of the Health and Safety Code to the extent of the conflict.~~

26 (e) ~~The commission shall do all of the following:~~

27 (1) Not later than January 1, 2004, amend any regulations in  
28 effect on January 1, 2003, pertaining to the energy efficiency  
29 standards for residential clothes washers to require that residential  
30 clothes washers manufactured on or after January 1, 2007, be at  
31 least as water efficient as commercial clothes washers.

32 (2) Not later than April 1, 2004, petition the federal  
33 Department of Energy for an exemption from any relevant federal  
34 regulations governing energy efficiency standards that are  
35 applicable to residential clothes washers.

36 (3) Not later than January 1, 2005, report to the Legislature on  
37 its progress with respect to the requirements of paragraphs (1) and  
38 (2).

39 (f) (1) *Not later than January 1, 2006, revise any regulation*  
40 *that was operative on January 1, 2004 and relates to energy*

1 *efficiency standards for commercial dishwashing prerinse spray*  
2 *valves to require, commencing January 1, 2007, every valve sold*  
3 *or installed in the state to use less than 1.6 gallons of water per*  
4 *minute.*

5 *(2) Not later than January 1, 2007, provide a report to the*  
6 *Legislature on actions taken to fulfill the requirements of*  
7 *paragraph (1).*

